

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH K. SHELTON,

Petitioner,

-against-

FCI OTISVILLE, BUREAU OF PRISONS;
SIA SUSSNEY; SIS CLEMMONS; OTHERS;
DEPARTMENT OF JUSTICE EMPLOYEES,
Mailroom,

Respondents.

19-CV-9116 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated October 16, 2019, the Court directed Petitioner, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) or pay the \$5.00 filing fee required to file a petition for a writ of *habeas corpus* in this Court. That order specified that failure to comply would result in dismissal of the petition. Plaintiff has not filed an IFP application or paid the fee. Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 4, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge